

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA )  
 )  
 )  
 v. ) CRIMINAL NO. 05-10113-DPW  
 )  
 )  
 REYLANDO REYES )

MOTION IN LIMINE TO EXCLUDE EVIDENCE  
OF THE DEFENDANT'S PRIOR CONVICTIONS

The defendant, Reylando Reyes, respectfully moves in limine for a ruling prohibiting the government from eliciting evidence of his prior criminal convictions for Distribution of a Class B Substance and Possession of a Class D Controlled Substance<sup>1</sup> should he elect to testify in his defense at trial in this case. The defendant makes this motion pursuant to F.R.E.s 609(a)(1) and 403. It is submitted that Mr. Reyes' convictions for these offenses are far more prejudicial than they are probative of his possible untruthfulness and therefore should not be admitted for the purpose of attacking his credibility. First, these convictions occurred almost ten years ago and are of little probative value of defendant's credibility. Furthermore, defendant's previous convictions for drug trafficking offenses carry a grave risk of prejudice, given the danger that the jury would improperly treat it as propensity evidence. Thereby

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<sup>1</sup> The defendant was convicted of these offenses in the Suffolk Superior Court, docket # 9511673002, 9511673001, and 9610152, on September 16, 1996.

leading to the very serious danger that a jury, on hearing of Reyes' prior convictions, will presume that he is guilty of the ammunition possession charge in this case.

Under F.R.E. 609(a)(1), the trial court must determine that the probative value of a defendant's prior conviction to an accurate assessment of his credibility outweighs the prejudicial impact of admitting the conviction before the prior conviction is admissible. Here, the crimes do not involve honesty or false statement and therefore the prejudicial impact of Reyes' drug convictions far outweighs any value they may have in helping the jury to evaluate Reyes' credibility as a witness. Therefore, the defendant moves that any reference to these convictions be barred.

REYLANDO REYES  
By his attorney,

/s/Stylianus Sinnis  
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CERTIFICATE OF SERVICE

I, Stylianus Sinnis, do hereby certify that this document has been filed electronically and that it will be served electronically to registered ECF participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non-registered participants on July 18, 2006.

/s/ Stylianus Sinnis  
Stylianus Sinnis